

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court (1) grant Defendant's motion to withdraw his not guilty plea to Count Four of the six-count Indictment (2) accept Defendant's plea of guilty to Count Four of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charges set forth in Count Four of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and (4) Defendant's bond was revoked and find Defendant shall remain in custody until sentencing in this matter [Doc. 21]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the

Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 21] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Four of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **GRANTED**;
- (2) Defendant's plea of guilty to Count Four of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count Four of the Indictment, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B);
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **January 11, 2010 at 10:30 a.m. [EASTERN]** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE